

Application Serial No. 09/870,143  
Attorney Docket No. 00-5018(b)

**REMARKS**

Claims 1-12 and 20 have been amended and claims 23-26 have been added.

Claims 1-26 are now pending in this application.

Claims 1-22 have been rejected under 35 U.S.C §103(a) as being unpatentable over Heindel et al. (US Patent No. 6,304,857; hereinafter Heindel) in view of Vasell et al. (US Patent No. 6,496,575; hereinafter Vasell). The rejection is respectfully traversed.

Claim 1, as amended, recites a gateway located at a consumer premises that includes a secure partition, a consumer service, an application programmer interface bundle, a provisioning service, a profile service, an authentication service, a remote-logging service and a maintenance service. Claim 1, as amended, recites that the profile service is operable to store a plurality of user profiles, each of the user profiles including user preference information identifying a customized presentation of information to be provided to the user when the user accesses the gateway and information identifying the user's preference associated with at least one user device. Support for these features is given, for example, at paragraphs 103 and 104 on pages 29-30 of the applicants' disclosure.

The Office Action states that Heindel discloses a profile service that is operable to store a user profile and points to the abstract of Heindel for support (Office Action – page 3). In particular, the Office Action states that the billing service center of Heindel generates an electronic billing statement in a biller-designed format or profile. Heindel is directed to an electronic billing system that provides a set of tools for a biller to create customized billing statements. The billing integration system and service center in

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The Office Action admits that Heindel does not disclose a maintenance service associated with the secure partition and the API bundle, but states that Vasell discloses a service gateway system that facilitates the development, operation and maintenance of services and points to col. 2, lines 60-67 for support (Office Action – page 3). Heindel may disclose that service platform server 22 is used to provide various control services and that a network operator associated with network operator server 24 is responsible for the operation, maintenance and support of a number of service platform servers 22 (Vasell – col. 6, lines 22-62 and Fig. 2). Vasell, however, does not disclose that either service platform server 22 or network operator server 24 periodically tests a network connection associated with a network coupled to the gateway to determine the network status and communicates the network status to the consumer service, as recited in amended claim 1.

For at least the reasons discussed above, the combination of Heindel and Vasell does not disclose or suggest each of the features of claim 1. Accordingly, withdrawal of the rejection and allowance of claim 1 are respectfully requested.

Claims 2-11 depend from claim 1 and are believed to be allowable for at least the reasons given with respect to claim 1. In addition, these claims recite additional features not disclosed or suggested by Heindel or Vasell.

For example, claim 3, as amended, recites that the gateway includes a billing service operable to receive a request from the consumer service and bill the user in response to the request. The Office Action states that Heindel discloses this feature and

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points to the abstract and col. 8, lines 9-22 for support (Office Action – page 4). The applicants respectfully disagree.

The abstract of Heindel discloses an electronic billing system that provides a set of tools for creating customized billing statements. This portion of Heindel does not disclose or suggest a billing service that receives a request from the consumer service and bills the user in response to the request, as recited in claim 3.

Heindel at col. 8, lines 9-22 discloses that service center 24 uses templates, rules and resources in a database to create customized billing statements on behalf of the biller. This is not equivalent to receiving a request from a consumer service and billing the user in response to the request. Rather, this portion of Heindel is merely concerned with storing rules associated with generating a bill and generating a customized bill based on the customized rules.

For at least these additional reasons, withdrawal of the rejection and allowance of claim 3 are respectfully requested.

Claim 11 recites that the consumer service comprises a monthly subscription service. The Office Action has not particularly addressed this feature. The applicants respectfully request that any subsequent Office Action particularly address this feature or withdraw the rejection. In any event, neither Heindel nor Vasell discloses or suggests this feature.

For at least this additional reason, withdrawal of the rejection and allowance of claim 11 are respectfully requested.

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Claim 12, as amended, recites features similar to those discussed above with respect to claim 1. For reasons similar to those discussed above with respect to claim 1, withdrawal of the rejection and allowance of claim 12 are respectfully requested.

Claims 13-22 depend upon claim 12 and are believed to be allowable for at least the reasons claim 12 is allowable. In addition, these claims recite additional features not disclosed or suggested by Heindel or Vasell. For example, claims 14 and 22 recite features similar to claims 3 and 11 discussed above. For reasons similar to those discussed above with respect to claims 3 and 11, withdrawal of the rejection and allowance of claims 14 and 22 are respectfully requested.

#### NEW CLAIMS

New claims 23-26 have been added. Claims 23 and 24 are dependent on claim 1 and claims 25 and 26 are dependent on claim 12. These claims are believed to be allowable for at least the reasons their respective independent claims are allowable. In addition, these claims recite additional features not disclosed or suggested by Heindel or Vasell. For example, claim 23 recites that the profile service is configured to store a unique identifier associated with each of the plurality of user profiles, where each unique identifier is associated with one of the plurality of users. Claim 25 recites a similar feature. Support for this feature is given, for example, at paragraph 103 on pages 29-30 of the applicants' disclosure. Neither Heindel nor Vasell discloses or suggests these features.

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Claim 24 recites that the consumer service is configured to provide the user with at least one alternative when the network status indicates that the network connection is unavailable. Claim 26 recites a similar feature. Support for this feature is given, for example, at paragraph 95 on page 27 of the applicants' disclosure. Neither Heindel nor Vasell discloses or suggests these features.

### **CONCLUSION**

In view of the foregoing amendments and remarks, the applicants respectfully requests withdrawal of the outstanding rejections and the timely allowance of this application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 07-2347 and please credit any excess fees to such deposit account.

Respectfully submitted,

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